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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,982	03/31/2004	Christine Martz	MARTZ-UNDERWEAR CIP- FULL	5916
4988	7590	09/21/2005	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			HALE, GLORIA M	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER


ART UNIT	PAPER
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20050913

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


Gloria Hale
Primary Examiner
Art Unit: 3765


Art Unit: 3765

The timely submission under 37 CFR 1.129(a) filed on 7-13-05 is not fully responsive to the prior Office action because the election is still not clear and the remarks included therewith contradict the Election.

The Election response has stated that claims 9-30 and then claims 22-25 and 27 are elected. Then claims 1-21 and 26 have been withdrawn. Elected claims cannot be withdrawn such as stated above and as elected by applicant in the 7-13-05 response.

These claim numbers overlap and applicant has elected claims that have been withdrawn. It appears that applicant is trying to elect claims 22-25 and 27-30. However, clarification is necessary for the record in order to proceed. Applicant should only and clearly state that claims 1-21 and 26 have been withdrawn and that claims 22-25 and 27-30 are now elected. The statement in regard to claims 9-30 should not be included in the response because it confuses the election response. It is also noted that claims 22-25, 27 and 28 appear to read on the embodiment shown in figures 2-4 and claims 29 and 30 appear to be shown in figures 5-8. Therefore the election is unclear. Only one embodiment should be elected and the claims elected to that one embodiment should be elected and all others withdrawn. Figures 5-8 appear to be claimed in claims 29 and 30 and figures 2-4 appear to be claimed in claims 22-25, 27 and 28. All of the embodiments are classified in class 604 are all absorbent pads/pantyliners.

Since the submission appears to be a bona fide attempt to provide a complete Reply to the Prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY days from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with payment of the fee set forth in 37 CFR 1.17®, the payment of the fee set forth in 37 CFR 1.17® by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


GLORIA M. HALE
PRIMARY EXAMINER